

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**MICHAEL ELLIS and DR. RACHEL ELLIS**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:07CV26BA**

**DR. EARL WATKINS, in his individual and  
official Capacity and JACKSON PUBLIC  
SCHOOLS**

**DEFENDANTS**

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**ORDER**

This matter came before the court on two pleadings titled “Objection of Defendant Dr. Earl Watkins to Subpoena Duces Tecum” and “Cellular South Inc.’s Response to Objection of Defendant Dr. Earl Watkins to Subpoena Duces Tecum.” Apparently, the Plaintiffs have served a subpoena on Cellular South for the telephone records of Defendant Watkins, to which he objects. Fed. R. Civ. P. 45(c) permits a “person commanded to produce” records to “serve upon the party or attorney designated in the subpoena written objection to inspection or copying . . . .” There is no provision for filing an objection with the court, and the court will not issue a ruling on such an objection. Moreover, according to the Rule, only Cellular South is entitled to serve such an objection, and it specifically states that it has no objection to producing the document. Finally, even if Dr. Watkins’s pleading were to be considered as a discovery motion, it would be denied for the failure to attach to it a Certificate of Good Faith in accordance with Unif. Local R. 37.1(A). Therefore, the court intends to issue no ruling on this matter, although the lack of a ruling is without prejudice to Dr. Watkins’s right to seek relief from the court through filing a proper motion, accompanied by the requisite certification of a good faith conference with counsel opposite.

IT IS, THEREFORE, ORDERED that neither the “Objection of Defendant Dr. Earl Watkins to Subpoena Duces Tecum” nor “Cellular South’s Response to Objection of Defendant Dr. Earl Watkins to Subpoena Duces Tecum” will be considered as a pleading requiring a ruling from the court.

IT IS SO ORDERED, this the 12<sup>th</sup> day of February, 2007.

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S/Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE